

<b>No:</b>	<b>BH2019/02289</b>	<b>Ward:</b>	<b>Preston Park Ward</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>218 Dyke Road Brighton BN1 5AA</b>		
<b>Proposal:</b>	<b>Erection of 1no two storey three bedroom dwelling house (C3) on land to rear including excavation, landscaping and access via Highcroft Villas &amp; Old Mills Mews.</b>		
<b>Officer:</b>	Jonathan Martin, tel:	<b>Valid Date:</b>	01.08.2019
<b>Con Area:</b>		<b>Expiry Date:</b>	26.09.2019
<b>Listed Building Grade:</b>	Listed	<b>EOT:</b>	
Building Grade II			
<b>Agent:</b>	CMK Planning 11 Aymer Road Hove BN3 4GB		
<b>Applicant:</b>	LAN Estates LTD 27 Palmeira Mansions Church Road Hove BN3 2FA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and block plan	TA 1151-01	F	29 January 2020
Proposed Drawing	TA1511/40	B	29 January 2020
Proposed Drawing	TA1511/41	B	29 January 2020
Proposed Drawing	TA1511/42	B	29 January 2020
Proposed Drawing	TA1511/43	B	29 January 2020
Proposed Drawing	TA1511/44	B	29 January 2020
Proposed Drawing	TA1511/45	B	29 January 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The

demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of brick and tiling
- b) samples of all hard surfacing materials
- c) details of the timber framed windows

**Reason:** To ensure the satisfactory preservation of the adjacent listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No works shall take place to the windows until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. No works shall take place to the roof until full details of the bargeboards, including 1:20 scale elevational drawings, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. The rooflight(s) hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. The new gate to the boundary wall fronting Highcroft Villas must be tongue and groove timber boarded gates with a painted finish.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and

made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

11. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

13. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

14. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class[es A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and

re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area including the setting of the adjacent Listed Building and for this reason would wish to control any future development to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

15. The proposed windows on the west elevation of the development hereby permitted shall be non-opening and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
16. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
17. No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
18. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
19. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Listed Building Consent is required for the creation of an opening in the wall onto Old Mill Mews.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. The applicant is advised that the scheme required to be submitted by Condition 10 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site relates to an area of land to the north-east of 218 Dyke Road, land that was previously used as a garden for the Dyke Pub which occupied the building which is located to the south of the site.
- 2.2. 218 Dyke Road is a grade II listed building. Whilst historically used as a Public House, following the closure of the pub the property was converted to an A1 premises under permitted development. However in June of 2019 an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former garden area of the pub and as a result of this previous approval the garden area was severed from the pub.
- 2.3. This application seeks to the erection of 1no storey two storey three bedroom dwelling (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews.

## **3. RELEVANT HISTORY**

- 3.1. **PRE2018/00325** Pre-application for a proposal to convert and extend the upper parts of the premises to create two additional flats, and to erect a new dwelling to the rear.

The response summary regarding the conversion was as follows:

- The proposed new dwelling in the rear garden area of the property would not cause harm to the Listed Building and there are no in principle objections from a heritage perspective,
- However as currently proposed, it is considered that the scale of the property being built over two storeys would be an overdevelopment of the site, causing harm to the existing character of the street scene by substantially closing the gap between the rear of the former pub and the adjacent residential property at 44 Highcroft Villas, and
- In the current position within the site, a two storey property would be in too close proximity to the proposed rear windows of the extended main building, and would limit the outlook from these dwellings

- 3.2. **BH2019/02290** - Conversion of existing 2no flats at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations. Approved 13.01.2020.
- 3.3. **BH2019/02273** - Internal alterations and the erection of a two storey rear extension, with associated works. Approved 13.01.2020.
- 3.4. **BH2019/01912** - Application for approval of details reserved by conditions 3, 4 and 5 of application BH2019/00914.
- 3.5. **BH2019/00915** - Interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019

- 3.6. **BH2019/00914** - Partial change of use of existing retail unit (A1) to public house (A4), including interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019
- 3.7. **BH2010/00601** - Erection of ground floor rear kitchen and cold store extension with associated extension of kitchen extract ducting. Approved 12/05/10.
- 3.8. **95/1320/FP** - Elevation alterations and rear extension to the public house. Erection of pergola in rear garden area. Approved 17/01/1996

#### **4. REPRESENTATIONS**

- 4.1. **Seventy One (71)** letters have been received, objecting to the proposed development for the following reasons:

- Impact on Listed Building
- Traffic, Parking and Congestion
- Impact on the Dyke Pub
- Rubbish and litter
- Overdevelopment
- Loss of privacy/overlooking

- 4.2. **Councillor Brown** - objects to the proposal on the following grounds:

- property is a grade II Listed Building and some of its original features, including the original wall, are under threat from the proposal.
- The garden is registered as an Asset of Community Value and yet this proposal is to build a three bedroomed house there.
- Site is adjacent to a very busy crossroads which will make entrance and egress to and from the property very difficult and dangerous. There is also a school very close by and therefore many children trying to cross this busy road.
- Overdevelopment of the site.

- 4.3. **Ward Councillors Heley and Hugh-Jones** objects to the proposal, a copy of their joint letter is attached to the report.

- 4.4. **Re-consultation** Following the receipt of amended plans on 29th January 2020, a 14 day re-consultation period took place which notified neighbours of the proposed changes to the scheme. A further **fifty four (54)** letters were received objecting to the proposal on the same grounds summarised out above.

#### **5. CONSULTATIONS**

- 5.1. **Heritage First Comment 02/09/2019: Requested Amendments:**

The current garden area contributes positively to the setting of the listed building. Nevertheless, there would be no objection in principle to a modest new house on the site of the garden, given the current large gap in the street frontage and the somewhat unsightly nature of the existing view from

Highcroft Villas. The scale and simple design approach as shown would be appropriate in giving the appearance of a 'coach house' type building subservient to the public house and the adjacent Edwardian Terrace and partly screened by the high boundary wall. The design of the house should be of high quality with careful proportions, detailing and use of materials that make reference to the historic setting of the pub and the wider street scene. The roof pitch should be steeper, the elevations should be a suitable red-brown brick - instead of render - and the gables should have decorative projecting bargeboards.. The gates to the wall should be tongue and groove boarded gates with a painted finish. It is considered that such a revised approach would preserve the setting of the listed building.

- 5.2. However, it is noted that the siting of the house would result in the demolition of a large section of the original and distinctive boundary wall to Old Mills Mews, which (as noted above) forms part of the curtilage of the listed building. Such loss would cause considerable harm to the listed building and its setting. It is therefore advised that the footprint of the house should be amended in order to fully retain the wall.
- 5.3. **Heritage Comment 06/12/2019** following receipt of amendments: Approve with Conditions. The amended plans have satisfactorily addressed the previous concerns and approval is therefore now recommended, subject to conditions. These conditions relate to survey report, samples, approved details, window details, roof, rooflights and boundary wall.
- 5.4. **Heritage Final Comment 17/02/2020** following receipt of amendments: Approve with Conditions. The amended plans submitted on 29 January 2020 would not have any significant impact on the relationship of the proposed development to the setting of the listed building as previously assessed. It is therefore considered, as per the previous comments, that (subject to detail) the development would cause no harm to the setting of the listed building, as the scale and simple design approach would be appropriate in giving the appearance of a 'coach house' type building subservient to the public house and the adjacent Edwardian Terrace and partly screened by the high boundary wall. The additional windows now proposed would not alter that assessment.
- 5.5. The significance of the listed building lies mainly in its street frontages and roof and in its internal layout and features as a an 'improved' public house with residential accommodation above. Whilst the garden does contribute positively to the setting of the listed building, there is no evidence that a public garden formed part of the original public house; indeed the original plans showed no public access to the garden area from within the pub. The 1930s changes did add a dining room with doors opening onto a small rear terrace but with no apparent access to the wider garden area that forms the subject of this application. It is considered that the garden's main contribution to the setting of the listed pub is the visual 'breathing space' it provides between the pub and the Edwardian Terrace; the small house proposed would not greatly change the way in which this visual break is experienced. There would be an impact on views of the rear of the listed pub from



Highcroft Villas, but that elevation is much plainer and somewhat altered and does not hold the same architectural significance as the front and side elevations.

- 5.6. **Transport** Comment on 29/08/2019: Approve with Conditions.  
The Highway Authority has no objections to this application subject to the inclusion of conditions relating to Cycle parking, car free housing and refuse and recycling.
- 5.7. **Conservation Advisory Group:** No Objection but provide the following comments;  
This proposed building fits well into the rear of the site, mimicking a stable block when viewed from the road. Though subservient to the main building its proposed rendered walls visually do not connect that with the former building. Suggests a good facing brick be used similar to the high quality brickwork of the host building.
- 5.8. Concern over the "non period" style gable window to the façade facing Highcroft Villas, which will be seen from Highcroft Villas. It is suggested that either a 2/2 or 1/1 sash configuration would be more suitable.

## **6. RELEVANT POLICIES & GUIDANCE**

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAPP) 2019.
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP8	Sustainable Buildings
CP12	Urban design
CP15	Heritage

CP19          Housing Mix

Brighton & Hove Local Plan (retained policies March 2016):

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
HO5	Provision of Private Amenity Space in Residential Development
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

Supplementary Planning Document:

SPD09          Architectural Features

Asset of Community Value (ACV)

- 6.4. Since December 2018 the ground floor and garden of 218 Dyke Road, the Dyke Pub, has been listed as an Asset of Community Value, under reference ACV/APP/2018/003.
- 6.5. The fact that the ground floor and garden is listed as an ACV is capable of being a material planning consideration in the determination of planning applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the Local Planning Authority.
- 6.6. It should be noted that a listing as an ACV gives no public right of access to the land concerned: the only right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 6.7. Following the closure of the pub the ground floor of the property was converted to an A1 premises under permitted development. However in June of last year an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former pub garden area and as a result of this previous approval the garden area was severed from the pub and was linked solely to the retained A1 retail unit.
- 6.8. A subsequent application (BH2019/02290) to extend the building at 218 Dyke Road and to convert the existing first floor 2 residential units into 3 units was approved earlier this year. Under this recently approved application the former pub garden would become the communal amenity space for the 3 residential units. The asset of community value status on the garden however remains.
- 6.9. Within application BH2019/02290 it was not considered that the loss of this relatively small section of the ACV would not significantly impact on the local community's enjoyment of the listed Public House. The loss of part of the approved communal amenity space for the recently approved residential units is discussed in more detail below.

## **7. CONSIDERATIONS & ASSESSMENT**

- 7.1. The main considerations in the determination of this application relate to the principle of development, the impacts of the proposal on the setting of the historic character and appearance of the Grade II Listed Building, design and appearance, standard of accommodation, impact on amenity, highways and sustainability.

### Principle of Development:

- 7.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 7.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 7.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The proposed development seeks to create a new residential unit and will therefore contribute to the Council's housing target.
- 7.5. The Local Planning Authority has no objections to the principle of the development subject to the compliance with local and national policies as discussed below.

### Design, Appearance, Heritage and Impact on Listed Building:

- 7.6. As set out previously, 218 Dyke Road is a Grade II Listed Building.
- 7.7. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 7.8. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard

to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".

- 7.9. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 7.10. The current curtilage of the application site, the former public house garden area, appears to pre-date the current building at 218 Dyke Road and appears to have been the curtilage of the previous pub on the site. The former pub garden area contributes positively to the setting of the listed building and forms clear space between it and the Edwardian housing in Highcroft Villas, with the historic lane of Old Mill Mews (that originally led to the windmill) in between. Along the boundary with Old Mill Mews is a distinctive wall formed of coursed bricks laid at an angle in lime mortar. This wall likely dates from the time of the windmill and is now listed as a curtilage structure to the pub.
- 7.11. The significance of the Listed Building lies mainly in its street frontages and roof and in its internal layout and features as an 'improved' public house with residential accommodation above. Whilst the garden does contribute positively to the setting of the Listed Building, there is no evidence that a public garden formed part of the original public house; in fact the original plans showed no public access to the garden area from within the pub. The 1930s changes did add a dining room with doors opening onto a small rear terrace but with no apparent access to the wider garden area that forms the subject of this application. It is considered that the garden's main contribution to the setting of the listed pub is the visual 'breathing space' it provides between the pub and the Edwardian Terrace; the small house proposed would not greatly change the way in which this visual break is experienced. There would be an impact on views of the rear of the listed pub from Highcroft Villas, but that elevation is much plainer and somewhat altered and does not hold the same architectural significance as the front and side elevations.
- 7.12. The proposed development of a new dwelling in the former pub garden was considered by the Officers when this scheme was submitted as part of pre-application enquiry. The applicant has sought to take on board the comments that were raised in order to make the scheme in this application acceptable.
- 7.13. No objections to the principle of a modest house on the site of the former pub garden are raised in heritage terms, given the large gap in the street frontage and the somewhat unsightly nature of the existing view from Highcroft Villas. During the course of the application revised plans have been submitted in order to address comments raised by the Heritage Officer and the following changes have been made:
- the roof has been increased to 45 degrees

- matching red/brown brick facades are now proposed in lieu of render;
  - the gables have now been shown with decorative projecting barge boards to match the existing pattern of the adjacent buildings;
  - The timber gate will be painted tongue and groove boarded; and
  - The existing boundary wall to Old Mill Mews has now been retained with the house relocated to accommodate.
- 7.14. The applicant has also responded to the concerns raised by the Local Planning Authority at pre-application stage relating to the property being built over two storeys and how it would lead to overdevelopment causing harm to the character of the street scene. The applicant has altered the scheme in light of these comments and the amended plans now show a proposal giving the appearance of a 'coach house' type building which is subservient to 218 Dyke Road and the adjacent Edwardian terrace.
- 7.15. The ground floor level of the dwelling would be positioned lower than the adjacent pavement level of Highcroft Villas and the front building line would retain the building line of existing properties to the east in Highcroft Villas. The siting, scale and simple design of the proposed dwelling results in dwelling that does not appear dominate within the Highcroft Villas streetscene and which now sits more comfortably within the wider street scene than that proposed at pre-application stage. The proposed dwelling would be partly screened by the high boundary wall which would be retained to the east and north of the proposed dwelling. The style of the dwelling is not considered to be pastiche and does not seek to make a statement or act as a focal point. The finish materials will be a tiled roof, red/brown brick walls and timber framed windows.
- 7.16. The proposed roof form is similar to that of the Listed Building, the Dyke Pub, and the scale of the dwelling is considered to be appropriate to ensure the Listed Building remains the focal point.
- 7.17. Since submission of the application additional windows have been included in the elevation facing 218 Dyke Road in order to improve the proposed standard of accommodation. These additional windows are not considered acceptable on design terms.
- 7.18. It is acknowledged that under application BH2019/02290 approval was granted for an extension to the rear of 218 Dyke Road. As part of this current application additional plans have been submitted which shows the relationship of the proposed dwelling in context with the approved extension to show the overall development of the site should both developments be built. It is considered that a sufficient visual gap would still be retained between 218 Dyke Road and the Edwardian Terrace even with the new dwelling and rear extension to no. 218 Dyke Road being constructed and the combination of both developments would not have a harmful impact upon the setting of the Listed Building. As set out previously the significance of the listed building lies mainly in its street frontages and roof and in its internal layout which the combined applications would not adversely impact upon.

- 7.19. Overall, the proposal is considered to be of good design which will raise the standard of architecture and design within the area and will not have a detrimental impact on the Listed Building in compliance with policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.

Standard of Accommodation:

- 7.20. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 7.21. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.
- 7.22. The proposed dwelling would comprise a double bedroom and two single bedrooms and therefore would provide a 3 bedroom/4 person unit with a total floor area of approximately 101m<sup>2</sup> which far exceeds the NDSS requirement of 84m<sup>2</sup>.
- 7.23. Since submission amended plans have been received. The relationship between the boundary wall and the retaining wall to the yard area has been reconfigured to improve the levels of light to the dining/kitchen area. Additional windows have also been added to the west elevation to allow more natural light into the property. These windows will be fixed shut in order to reduce noise levels from the Dyke Pub. Additional windows have been added to bedrooms 1 and 2 to allow more natural light into the habitable rooms.
- 7.24. The internal areas all exceed the guidance set out by the NDDS. The proposed dwelling would offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.
- 7.25. Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development. The new dwelling would provide a terraced area and a number of private gardens which added together provide over 100sqm of amenity space. Overall, the proposal would provide a good level of private amenity space which is considered appropriate to the dwelling.

- 7.26. Overall it is considered that the proposed scheme would provide a good standard of accommodation and provide appropriate levels of private amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.

Impact on Amenity for flats in relation to previously approved BH2019/02290

- 7.27. Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development.
- 7.28. As set out previously, in June of last year, an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former garden area of the pub and as a result of this previous approval the garden area was severed from the pub. Subsequent applications BH2019/02290 and BH2019/02273, for extensions and the conversion of the first floor of 218 Dyke Pub, to provide 3 residential units, granted consent for the former pub garden area becoming communal amenity space for the approved first floor residential units. The approved plans showed two distinct garden areas for the proposed flats.
- 7.29. Flat 1 in the scheme approved under applications BH2019/02290 and BH2019/02273 would have access to a terrace of 9.5m<sup>2</sup>, whilst Flat 2 would have use of a terrace of 3.6m<sup>2</sup>. A communal garden area was also approved for the residential units, clearly shown in the approved plans as being split into two distinct areas.
- 7.30. It is acknowledged that the current application, to provide a new dwelling, would result in the loss of the eastern part of the communal space recently approved for the first floor flats within 219 Dyke Road. Should the new dwelling be approved and built the flats would retain use of the smaller garden area to the rear of 218 Dyke Road (approximately 42m<sup>2</sup>). It is also noted that the existing residential units at 218 Dyke Road do not have access to any part of the rear amenity space and therefore the retention of some of the garden area creates a better living environment for future occupiers of the first floor residential units at 218 Dyke Road compared to the existing situation.
- 7.31. Overall, it is considered that the proposal would provide a good level of private amenity space for both the proposed new dwelling and the 3 flats approved under the recent applications set out above and as such the proposal is considered to be compliant with policy HO5 of the Local Plan.

Impact on Amenity:

- 7.32. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 7.33. At pre-application stage officer's raised concern that the position of the property would be in too close proximity to the proposed rear windows of the extended main building and that it would limit the outlook from the existing flats above the Dyke Pub. In response to these comments, the dwelling has been moved further back from the rear of 218 Dyke Road. Due to the separation distance and the lowering of the levels of the dwelling, the proposed dwelling would not result in any detrimental impact to the outlook to the rear of the flatted units.
- 7.34. As discussed previously the proposed scheme received has been revised in order to increase the number of windows on the western side of the proposed property to improve the amount of daylight received into habitable rooms. The presence of windows has the potential to create a sense of overlooking or loss of privacy to surrounding neighbours. However, these new windows have been sensitively located on the western side of the property in order to avoid overlooking onto Old Mill Mews and towards the side elevation of no. 44 Highcroft Villas. As such, the proposal will not result in a loss of privacy to the residents along Old Mill Mews or Highcroft Villas. It is however recommended that permitted development rights are removed via a condition as further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.
- 7.35. Overall it is considered that the proposed dwelling would not result in significant harm to neighbouring properties in terms of overlooking, loss of privacy, overshadowing or loss of light, including for the future occupiers of the flats approved under recent applications should both development be built.

Sustainable Transport:

- 7.36. It is noted that a high number of objections have been made against the proposal relating to parking and traffic congestion. The following section will seek to address these concerns.
- 7.37. The proposed development will have pedestrian access as existing from Highcroft Villas and this is considered to be acceptable. Concerns were originally raised regarding the provision of a double gate that was in place at Old Mills Mews. The applicant has submitted revised plans and the double gate has been removed and replaced with a single gate.
- 7.38. The applicant is proposing 2 cycle parking spaces, in line with SPD14. Further details of the cycle parking will be requested via a condition to ensure the spaces are covered and secure.
- 7.39. No on-site parking provision to be associated with this development is proposed. The proposed development may generate additional car(s) that will likely be parked on the highway. The site is within Controlled Parking Zone (CPZ) Q. There is concern that there are existing parking difficulties



within this CPZ and that this potential parking overspill may exasperate the current conditions.

- 7.40. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.
- 7.41. The applicant has not provided a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. Recent records show the average percentage permit uptake to total permit allocation to be 95-100%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone).
- 7.42. The Highway Authority therefore considers that this site should be made "car free" by restriction of on-street parking permits by condition. The proposal is therefore considered to be acceptable in relation to car parking.
- 7.43. One of the main objections to the proposal is that it will lead to an increase in traffic in the area and create greater congestion problems. The transport officer is of the opinion that there may be an increase in trips to the site due to this proposal however these are unlikely to have a significant enough impact on the local highway network to warrant a reason for objection.
- 7.44. The proposal is therefore compliant with paragraph 109 of the NPPF which states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 7.45. In relation to bin and recycling storage, an area has been added to the front area adjacent to the access gate on Highcroft Villas. This location is considered to be acceptable.

Sustainability:

- 7.46. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

**8. EQUALITIES:**

- 8.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. A condition will be applied to ensure the development

complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.